

**THE STATE INTELLECTUAL PROPERTY OFFICE  
OF THE PEOPLE'S REPUBLIC OF CHINA**

<b>Zip Code:</b> 100032 <b>China Sinda Intellectual Property Ltd.</b> B11th Floor, Focus Place, Financial Street, Xicheng District, Beijing, China. <b>Weimin FAN Bingze YUAN</b>	<b>Date of Issuing:</b>  <b>September 1, 2006</b>
<b>Application No:</b> 200480000399.8	

<b>Applicant:</b>	<b>LG ELECTRONICS INC.</b>
<b>Title of Invention:</b>	<b>RECORDING MEDIUM WITH AN OPTIONAL INFORMATION AND APPARATUS AND METHODS FOR FORMING, RECORDING, REPRODUCING AND CONTROLLING REPRODUCTION OF THE RECORDING MEDIUM</b>

**NOTIFICATION OF THE FIRST OFFICE ACTION**

(for Entry of an International Patent Application into the National Phase)

1. ☒ Applicant made the request for substantive examination in accordance with the provisions of Paragraph 1 of Article 35 of the Patent Law. The Examiner has proceeded with the examination as to substance of the above-identified patent application for invention.  
☐ In accordance with the provisions of Paragraph 2 of Article 35 of the Patent Law, the Patent Office has, on its own initiative, decided to proceed with the examination as to substance of the same.
  
2. ☒ Applicant claims  
January 23, 2003, when the previous application was filed with KR, as a priority date;  
February 10, 2003, when the previous application was filed with KR, as a priority date;  
\_\_\_\_\_, when the previous application was filed with \_\_\_\_\_, as a priority date.
  
3. ☐ The amendment submitted on \_\_\_\_\_ has been rejected under Rule 51 of the Implementing Regulations of the Patent Law.  
☐ For the reasons indicated in the text of this Action, the following documents submitted have been rejected under Article 33 of the Patent Law:  
☐ The Chinese translation of the annex to the international preliminary examination report.  
☐ The Chinese translation of the amendments under Article 19 of PCT.  
☐ The amendments under Article 28 or 41 of PCT.
  
4. ☒ The application has been examined on the basis of the translation of the originally filed international application;  
☐ The application has been examined on the basis of the following documents:  
☐ Description, pages\_\_\_\_\_, as in the translation of the originally filed international application;  
pages\_\_\_\_\_, as in the translation of the annex to IPER;  
pages\_\_\_\_\_, as in the amendments under Article 28 or 41 of PCT;  
pages\_\_\_\_\_, as in the amendments under Rule 51 of the Implementing Regulations.  
☐ Claims, No.\_\_\_\_\_, as in the translation of the originally filed international application;  
No.\_\_\_\_\_, as in the translation of the amendments under Article 19 of PCT;  
No.\_\_\_\_\_, as in the translation of the annex to IPER;  
No.\_\_\_\_\_, as in the amendments under Article 28 or 41 of PCT;  
No.\_\_\_\_\_, as in the amendments under Rule 51 of the Implementing Regulations.  
☐ Drawings, sheets\_\_\_\_\_, as in the translation of the originally filed international application;  
sheets\_\_\_\_\_, as in the translation of the annex to IPER;  
sheets\_\_\_\_\_, as in the amendments under Article 28 or 41 of PCT.

sheets\_\_\_\_\_, as in the amendments under Rule 51 of the Implementing Regulations.

☒The following references are cited in the notification. The codes of the references will be used in further examination procedures:

Code	Reference No. or Title	Publication Date (or Filing Date of a Conflicting Application )
1	CN1152170A	June 18, 1997

5. Conclusive opinion:

☒regarding the Description

- ☐ Its content belongs to the scope of Article 5 of the Patent Law which cannot be granted.
- ☐ It is not in conformity with the provisions of Paragraph 3 of Article 26 of the Patent Law.
- ☐ It is not in conformity with the provisions of Article 33 of the Patent Law.
- ☐ The presentation manner of the Description is not in conformity with Rule 18 of the Implementing Regulations of the China Patent Law.
- ☒ The presentation manner of the Description is not in conformity with Rule 19 of the Implementing Regulations of the China Patent Law.

☒ Regarding the Claims:

- ☐ Claims\_\_\_\_\_do not possess novelty under Paragraph 2 of Article 22 of the Patent Law.
- ☒ Claims 16,24-29,31,39-44,46,54-59 do not possess inventiveness under Paragraph 3 of Article 22 of the Patent Law.
- ☐ Claims\_\_\_\_\_do not possess practical applicability under Paragraph 4 of Article 22 of the Patent Law.
- ☐ Claims\_\_\_\_\_fall in the scope of Article 25 of the Patent Law which cannot be granted.
- ☒ Claims 17-19,21,30,32-34,36,45,47-49,51,60-75 do not meet the requirements of Paragraph 4 of Article 26 of the Patent Law.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Paragraph 1 of Article 31 of the Patent Law.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Article 33 of the Patent Law.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Paragraph 1 of Rule 13 of the Implementing Regulations.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Paragraph 1 of Rule 2 of the Implementing Regulations.
- ☒ Claims 1-15 do not meet the requirements of Rules 20 of the Implementing Regulations.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Rules 21 of the Implementing Regulations.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Rules 22 of the Implementing Regulations.
- ☐ Claims\_\_\_\_\_do not meet the requirements of Rules 23 of the Implementing Regulations.

Please refer to the text of the Action in detail for the above.

6. Based on the above conclusive opinion, the Examiner points out that

- ☐The applicant should amend the application documents according to the requirements of the text of the Action.
- ☒The applicant should state the reason that the application may be granted a patent right in the observation and amend the application documents according to the teaching of the text of the Action, otherwise the application may not be granted.
- ☐No substantive contents to be granted are presented in the application. If applicant does not submit his observation or the observation is not reasonable, the application will be rejected.
- ☐

7. The following items shall come to applicant's attention:

- ( 1 ) According to Article 37 of the Patent Law, applicant should submit his observation within 4 months from the date he receives the notification. If, without any justified reasons, the time limit for making a response is not met, the application will be deemed to have been withdrawn.
- ( 2 ) The amendments to the application documents should meet the requirements of Article 33 of the Patent Law. The amended documents should be submitted in two copies and the amending manner should comply with the relevant regulations of the Examination Guide.
- ( 3 ) The observation and / or amended documents should be mailed to or submitted directly to the Receiving Section of the Patent Office, and no other submissions have legal effects.
- ( 4 ) Applicant and / or attorney may not have a meeting with the Examiner unless an appointment has been made in advance.

8. The text of this Action consists of 3 page(s), including the following annexes:

- ☒the cited references 3 pages, 1 copies.

## **Text of the First Office Action**

200480000399.8

SCT044783-38

The present application relates to a recording medium such as BD-ROM, which includes an identification information, such as copy protection indicating information and an apparatus and methods for forming, recording, reproducing, and controlling reproduction of the recording media. Upon examination, the Examiner gives the following comments.

1. Claims 1-15 are product claims directed to a recording medium, which should be defined specifically in all aspects of its structural features. For product claims with the subject matter of a recording medium, their physical structure features should be recorded in terms of shape, size, material and component, etc. However, the technical features of Claims 1-15 are all defined with respect to methods of classification (information format) for areas of the recording medium as well as the content of information recorded in each area instead of their structural features, resulting in an inconsistency between the technical solutions of Claims 1-15 and the subject matter thereof. Therefore, Claims 1-15 are rejected under Rule 20, Paragraph 1 of the Implementing Regulations of the Chinese Patent Law for failure to define clearly and concisely the matter for which protection is sought.
2. Claim 16 is directed to a method of forming a recording medium. D1 (CN1152170A, hereinafter referred to as D1) discloses a digital video copy protecting system, teaching the following particular technical features (see page 8, line 2-page 9, line 19 of the Description of D1): the system is directed to copy protection of storage media having areas for recording data and key data

(corresponding to optional information in the present claim). When key data is present, the recording or reproduction of the data is controlled via key data; the system also includes steps of recognizing the presence or absence of key data in a certain portion of data. The key data is recorded in wobbled pre-pit pattern on an area of the recording medium. Claim 16 differs from D1 in that the recording medium has information identifying the presence or absence of the optional information. However, D1 discloses that it is necessary to analyze information signals to determine the presence or absence of key data. It is readily conceivable to those skilled in the art to provide a flag or a header on the recording medium, according to the recordation of D1, indicating the presence or absence of copy protection information (key data) without any analysis of information signals, because it is a conventional technique for those skilled in the art to provide a flag or a header on the recording medium indicating the presence or absence of relevant information, which is also common knowledge. Therefore, it is obvious to obtain the technical solution of Claim 16 on the basis of D1. Claim 16 neither has prominent substantive features nor represents notable progress, and hence is rejected under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.

3. The additional technical features of Claims 17-19, 21 and 30 are neither recorded in the Description nor to be directly derived or deduced by those skilled in the art from the disclosure thereof. Therefore, Claims 17-19, 21 and 30 are rejected under Article 26, Paragraph 4 of the Chinese Patent Law for lacking support of the Description.
4. Claim 26 contains the expression "the method according to claim 1," which should be corrected as "the method according to claim 16."
5. Claims 24-29 belong to common knowledge in the art. Therefore, when the cited Claim 16 is not inventive, Claims 24-29 neither have prominent substantive

features nor represent notable progress, and hence are objected to under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.

6. Claim 31 is directed to a method of reproducing data from a recording medium. D1 (CN1152170A) discloses a digital video copy protection system, teaching the following particular technical features (seepage 8, line 2 –page 9, line 19 of the Description of D1): the system is directed to copy protection of storage media. When key data (corresponding to optional information in the present claim) is present, the recording or reproduction of the data is controlled via key data; the system also includes steps of recognizing the presence or absence of key data in a certain portion of data. The key data is recorded in wobbled pre-pit pattern on an area of the recording medium. Claim 31 differs from D1 in that the recording medium has information identifying the presence or absence of the optional information. However, D1 discloses that it is necessary to analyze information signals to determine the presence or absence of key data. It is readily conceivable to those skilled in the art to provide a flag or a header on the recording medium, according to the recordation of D1, indicating the presence or absence of copy protection information (key data) without any analysis of information signals, because it is a conventional technique for those skilled in the art to provide a flag or a header on the recording medium indicating the presence or absence of relevant information, which is also common knowledge. Therefore, it is obvious to obtain the technical solution of Claim 31 on the basis of D1. Claim 31 neither has prominent substantive features nor represents notable progress, and hence is rejected under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.

7. The additional technical features of Claims 32-34, 36 and 45 are neither recorded in the Description nor to be directly derived or deduced by those skilled in the art from the disclosure thereof. Therefore, Claims 32-34, 36 and 45 are rejected under Article 26, Paragraph 4 of the Chinese Patent Law.

8. Claims 39-44 belong to common knowledge in the art. Therefore, when the cited Claim 31 is not inventive, Claims 39-44 neither have prominent substantive features nor represent notable progress, and hence are objected to under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.
9. Claim 46 is directed to a method of recording data on a recording medium. D1 (CN1152170A) discloses a digital video copy protection system, teaching the following particular technical features (see page 8, line 2 –page 9, line 19 of the Description of D1): the system is directed to copy protection of storage media. When key data (corresponding to optional information in the present claim) is present, the recording or reproduction of the data is controlled via key data; the system also includes steps of recognizing the presence or absence of key data in a certain portion of data. The key data is recorded in wobbled pre-pit pattern on an area of the recording medium. Claim 46 differs from D1 in that recording information identifying the presence or absence of the optional information. However, D1 discloses that it is necessary to analyze information signals to determine the presence or absence of key data. It is readily conceivable to those skilled in the art to provide a flag or a header on the recording medium, according to the recordation of D1, indicating the presence or absence of copy protection information (key data) without any analysis of information signals, because it is a conventional technique for those skilled in the art to provide a flag or a header on the recording medium indicating the presence or absence of relevant information, which is also common knowledge. Therefore, it is obvious to obtain the technical solution of Claim 46 on the basis of D1. Claim 46 neither has prominent substantive features nor represents notable progress, and hence is rejected under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.
10. The additional technical features of Claims 47-49, 51 and 60 are neither recorded in the Description nor to be directly derived or deduced by those skilled in the art from the disclosure thereof. Therefore, Claims 47-49, 51 and 60 are rejected

under Article 26, Paragraph 4 of the Chinese Patent Law for lacking support of the Description.

11. Claims 54-59 belong to common knowledge in the art. Therefore, when the cited Claim 31 is not inventive, Claims 54-59 neither have prominent substantive features nor represent notable progress, and hence are objected to under Article 22, Paragraph 3 of the Chinese Patent Law for lacking inventiveness.
12. Claims 61-75 are defined in terms of functions that can be realized by the apparatus, covering all the methods by which said functions can be realized. However, said apparatus cannot be derived or deduced by those skilled in the art according to the disclosure of the Description. Therefore, Claims 61-75 are rejected under Article 26, Paragraph 4 of the Chinese Patent Law for lacking support of the Description.
13. The same reference sign for different technical terms appears in the Description, such as “differential amplifier 12” and “VDP system 12”, which does not meet the requirements of Rule 19, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.
14. The applicant is required to amend the title of the present patent application for invention, which should be limited in the number of words used.

For the above-mentioned reasons, the present application cannot be granted as it is now. The applicant should amend the application documents per the comments therein so as to overcome said defects. Otherwise, the application shall be rejected. Note that all amendments shall not go beyond the scope of disclosure of the initial Description and Claims under Article 33 of the Chinese Patent Law.



# 中华人民共和国国家知识产权局

邮政编码: 100032 北京市西城区金融街 19 号富凯大厦 B 座 11 层 中原信达知识产权代理有限责任公司 樊卫民, 袁炳泽		发文日期 绝 限 2007-01-16
申请号: 2004800003998		
申请人: LG 电子株式会社		
发明创造名称: 带有可选信息的记录介质及用于该记录介质的形成、记录、再现和再现控制的装置和方法		

 转达  
10.1

## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:
  - KR 专利局的申请日 2003 年 01 月 23 日为优先权日,
  - KR 专利局的申请日 2003 年 02 月 10 日为优先权日,
  - 专利局的申请日 年 月 日为优先权日。
- ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。  
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。
  - ☐ 国际初步审查报告附件的中文译文。
  - ☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
  - ☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。
  - ☐
- ☒ 审查是针对原始提交的国际申请的中文译文进行的。  
☐ 审查是针对下述申请文件进行的:
  - ☐ 说明书 第 页, 按照原始提交的国际申请文件的中文译文;
  - 第 页, 按照国际初步审查报告附件的中文译文;
  - 第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
  - 第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。
  - ☐
  - ☐ 权利要求 第 项, 按照原始提交的国际申请文件的中文译文;
  - 第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
  - 第 项, 按照国际初步审查报告附件的中文译文;
  - 第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
  - 第 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。
  - ☐
  - ☐ 附图 第 页, 按照原始提交的国际申请文件的中文译文;
  - 第 页, 按照国际初步审查报告附件的中文译文;
  - 第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
  - 第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。







☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1152170A	1997-6-18

5. 审查的结论性意见:

☒ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不予授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。
- ☒ 说明书的撰写不符合专利法实施细则第 19 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求 不满足专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 16, 24-29, 31, 39-44, 46, 54-59 不满足专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求 不满足专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求 属于专利法第 25 条规定的不予授予专利权的范围。
- ☒ 权利要求 17-19, 21, 30, 32-34, 36, 45, 47-49, 51, 60-75 不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求 不符合专利法第 33 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
- ☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
- ☒ 权利要求 1-15 不符合专利法实施细则第 20 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 21 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 22 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

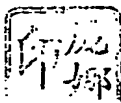
7. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 3 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 3 页。

审查员: 庞娜(3621)  
2006 年 8 月 11 日



审查部门 通信审查部

21302  
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

## 第一次审查意见通知书正文

申请号：200480000399.8

本申请涉及一种诸如BD-ROM的记录介质，其包括诸如复制保护指示信息的识别信息，还涉及用于该记录介质的形成、记录、再现和再现控制的装置和方法，经审查，现提出如下的审查意见。

1、权利要求1-15请求保护一种“记录介质”，属于产品权利要求，应该用该产品本身所具有的结构特征对其进行具体限定，对于主题为记录介质的产品权利要求而言，其结构特征在于记录介质本身的物理结构，比如形状、大小以及构成材料、组成部分等，但是上述权利要求限定的技术方案中的所有技术特征都是对于该记录介质区域的划分方式(信息格式)和各区域中所记录的信息内容的限定，而不是对该记录介质本身物理结构的限定，致使上述权利要求技术方案的内容与其要求保护的主题不相符合(不相适应)，从而导致上述权利要求的保护范围不清楚，不符合专利法实施细则第20条第1款的规定。

2、权利要求16请求保护一种形成记录介质的方法，对比文件1(CN1152170A)公开了一种数字视频复制保护方法，其中(尤其参见说明书第8页第2行-第9页第19行)具体公开了以下技术特征：该方法对存储介质进行复制保护，其中存储介质上具有记录数据的区域，以及记录密钥数据(相当于该权利要求的可选信息)的区域，如果存在密钥数据，则通过密钥数据进行数据的记录/再现控制；该方法还包括：识别在数据的一部分中存在或不存在密钥数据的步骤。密钥数据以抖动预制凹坑的形成记录在存储介质上。

权利要求16与对比文件1相比，其区别仅在于：记录介质上具有用于识别可选信息是否存在的信息。

然而，在对比文件1中已经公开了需要通过分析信息信号检测密钥数据是否存在，所属领域技术人员根据对比文件1的记载，很容易想到在记录介质上直接设置表示复制保护信息(即密钥数据)是否存在的标志或报头，而无需分析信息信号，因为在记录介质上设置用于指示相应信息是否存在的标志或报头是所属领域技术人员的常用技术手段，属于公知常识。因此，在对比文件1的基础上得到权利要求16所要保护的技术方案是显而易见的。因此，权利要求16不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

3、权利要求17-19、21、30中的附加技术特征没有在说明书中得到记载，所属

领域技术人员也不能够从说明中公开的内容中得到或概括得出。因此，上述权利要求得不到说明书的支持，不符合专利法第26条第4款的规定。

4、权利要求26中的“如权利要求1所述的方法”应该是“如权利要求16所述的方法”。

5、权利要求24-29是所属领域技术人员的公知常识。因此，在其引用的权利要求16不具备创造性的前提下，权利要求24-29都不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

6、权利要求31请求保护一种用于自记录介质再现数据的方法，对比文件1（CN1152170A）公开了一种数字视频复制保护方法，其中（尤其参见说明书第8页第2行-第9页第19行）具体公开了以下技术特征：该方法对存储介质进行复制保护，其中如果存在密钥数据（相当于该权利要求的可选信息），则通过密钥数据进行数据的记录/再现控制；该方法还包括：识别在数据的一部分中存在或不存在密钥数据的步骤。密钥数据以抖动预制凹坑的形成记录在存储介质上。

权利要求31与对比文件1相比，其区别仅在于：记录介质上具有用于识别可选信息是否存在的信息。

然而，在对比文件1中已经公开了需要通过分析信息信号检测密钥数据是否存在，所属领域技术人员根据对比文件1的记载，很容易想到在记录介质上直接设置表示复制保护信息（即密钥数据）是否存在的标志或报头，而无需分析信息信号，因为在记录介质上设置用于指示相应信息是否存在的标志或报头是所属领域技术人员的常用技术手段，属于公知常识。因此，在对比文件1的基础上得到权利要求31所要保护的技术方案是显而易见的。因此，权利要求31不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

7、权利要求32-34、36、45中的附加技术特征没有在说明书中得到记载，所属领域技术人员也不能够从说明中公开的内容中得到或概括得出。因此，上述权利要求得不到说明书的支持，不符合专利法第26条第4款的规定。

8、权利要求39-44是所属领域技术人员的公知常识。因此，在其引用的权利要求31不具备创造性的前提下，权利要求39-44都不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

9、权利要求46请求保护一种用于在记录介质上记录数据的方法，对比文件1（CN1152170A）公开了一种数字视频复制保护方法，其中（尤其参见说明书第8页第2行-第9页第19行）具体公开了以下技术特征：该方法对存储介质进行复制保护，其

中如果存在密钥数据（相当于该权利要求的可选信息），则通过密钥数据进行数据的记录/再现控制；该方法还包括：识别在数据的一部分中存在或不存在密钥数据的步骤。密钥数据以抖动预制凹坑的形成记录在存储介质上。

权利要求46与对比文件1相比，其区别仅在于：还记录用于识别可选信息是否存在的信息。

然而，在对比文件1中已经公开了需要通过分析信息信号检测密钥数据是否存在，所属领域技术人员根据对比文件1的记载，很容易想到在记录介质上直接设置表示复制保护信息（即密钥数据）是否存在的标志或报头，而无需分析信息信号，因为在记录介质上设置用于指示相应信息是否存在的标志或报头是所属领域技术人员的常用技术手段，属于公知常识。因此，在对比文件1的基础上得到权利要求46所要保护的技术方案是显而易见的。因此，权利要求46不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

10、权利要求47-49、51、60中的附加技术特征没有在说明书中得到记载，所属领域技术人员也不能够从说明中公开的内容中得到或概括得出。因此，上述权利要求得不到说明书的支持，不符合专利法第26条第4款的规定。

11、权利要求54-59是所属领域技术人员的公知常识。因此，在其引用的权利要求46不具备创造性的前提下，权利要求54-59都不具备突出的实质性特点和显著的进步，因而不具备专利法第22条第3款规定的创造性。

12、权利要求61-75中用装置所要实现的功能对其做出了限定，覆盖了所有能够实现所述功能的实施方式。然而，所属领域技术人员不能够根据说明中公开的内容得到或概括得出所述装置。因此，上述权利要求得不到说明书的支持，不符合专利法第26条第4款的规定。

13、该申请的说明书中出现了同一附图标记对应不同技术术语的情况，如“差分放大器12”和“VDP系统12”，不符合专利法实施细则第19条第3款的规定。

14、该申请的发明名称字数不符合规定，请申请人修改。

基于上述理由，该申请按照目前的文本还不能被授予专利权。申请人应该按照本通知书提出的审查意见对申请文件进行修改，克服所存在的缺陷，否则该申请将被驳回。提醒申请人注意的是，对申请文件的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围。

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